



LEROY D. BACA, SHERIFF

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



August 25, 2006

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

Dear Supervisors:

REPORT OF IMMIGRATION AND CUSTOMS ENFORCEMENT PILOT PROJECT

On January 25, 2005, your Board granted approval for the Los Angeles County Sheriff's Department (Department) to enter into a Memorandum of Understanding (MOU) with the Department of Homeland Security, Immigration and Customs Enforcement (ICE). The purpose of the MOU was to set forth the terms and conditions for a pilot project in which designated trained and certified Department personnel would perform interviews of convicted, foreign-born inmates housed within Los Angeles County jail facilities. Those convicted, foreign-born inmates who were subsequently determined to be in the United States illegally would then be transferred to Federal custody to face deportation hearings.

STATEMENT OF NEED

The ICE program is a key component in the Department of Homeland Security's layered defense approach to protecting the nation. However, the magnitude of the problem demands a global approach to protecting the citizens of Los Angeles County, as Federal ICE agents cannot adequately staff the County's jails to handle the sheer volume of inmates released every day. Without the program, convicted criminals residing in this County illegally would be released back into the community, with recidivists compromising public safety and further burdening the County's criminal justice system.

Deporting criminal aliens here illegally also makes sound economic sense, as the costs associated with incarcerating foreign-born criminals is significant and on the rise, while State Criminal Alien Assistance Program (SCAAP) funding designed to reimburse local government for the staggering costs associated with criminal aliens has decreased.

A Tradition of Service

According to a United States Government Accountability Office Study (GAO-05-337R) dated April 7, 2005, "Federal reimbursements for incarcerating criminal aliens in state prisons and local jails declined from \$550 million in 2001 to \$280 million in 2004, in a large part due to a reduction in congressional appropriations." During the last four years, the Department spent approximately \$280 million, after SCAAP reimbursement, to house foreign-born, criminal aliens in the Los Angeles County jail system.

The interview process is a critical component in determining the immigration status of an inmate. Approximately 38,000 of all inmates booked into the Los Angeles County Jail system each year declare themselves as foreign-born. Since Federal ICE officers began conducting interviews of self-declared foreign-born inmates in the county jail, statistics compiled from 1998 indicate that approximately 66 percent were determined to be in the United States illegally, resulting in over 25,000 ICE holds being placed on county jail inmates.

In 2002, before the ICE MOU was established, ICE agents were able to interview approximately 78 percent of all inmates who declared themselves as foreign-born. In 2004 and 2005, due to Federal Department of Homeland Security personnel reassignments caused by terrorism concerns, ICE was unable to interview 89 percent of self-declared, foreign-born Los Angeles County jail inmates. This trend is expected to continue as the Los Angeles County jail system continues to experience a rise in its foreign-born inmate population.

THE PROGRAM

Prior to the launch of the ICE pilot project, eight custody assistants received four weeks of mandated Federal training on immigration policies and laws. An additional four weeks of training was provided to the custody assistants working directly with an ICE agent at the Inmate Reception Center.

On January 30, 2006, trained custody assistants began interviewing foreign-born inmates convicted of felony and misdemeanor crimes to determine their legal status and if an immigration hold should be initiated. Each interview takes approximately 30 minutes to complete, while the associated Federal paperwork takes approximately one hour to complete. If an inmate is determined to be eligible for an immigration hold, that inmate is then referred to Federal ICE authorities. The custody assistants assigned to the pilot program interviewed 4,446 convicted foreign-born inmates, resulting in 2,569 ICE holds being placed on those inmates. The criminal convictions associated with the interviews included the following:

- 845 assaults
- 668 robbery and property crimes
- 889 drug-related offenses
- 89 weapons charges
- 222 sex crimes

- 1,378 vehicle code charges
- 355 miscellaneous crimes

During the same time period, the Federal ICE agents assigned to the jail interviewed 423 inmates, resulting in an additional 285 ICE holds being placed on inmates. There were a total of 4,869 interviews conducted during the ICE pilot project, resulting in 2,854 ICE holds being placed on convicted, foreign-born inmates. This effort reflects a 39 percent increase of those inmates who were interviewed, and a 48 percent increase of those who received ICE holds, compared to the same time period in 2005.

RECOMMENDATION

While the ICE pilot program has proven to be an overwhelming success on many fronts, there are areas of improvement that will need to be addressed. Due to only six Federal ICE agents being assigned to the Los Angeles County Jail and the surrounding state prisons, the custody assistants assigned to the program were also interviewing inmates scheduled to be transferred to state prison. Due to factors including a high volume of inmate releases and inmate scheduling conflicts, some of the convicted criminal aliens released from the County's jails were not interviewed. Of the 2,569 ICE holds placed on inmates by Department personnel, 281 holds were placed on inmates scheduled to serve state prison sentences.

To mitigate these issues and ensure that all self-declared, foreign-born convicted criminal aliens are interviewed prior to release, Department personnel will focus on those inmates being released into the community. I recommend that the Board of Supervisors encourage ICE to expand their operations, as well as encourage California State Prison authorities to initiate a similar MOU with ICE to incorporate the ICE program in the State's prison system. Further, to adequately address public safety concerns, I recommend expanding the Department's program to better accommodate the rising foreign-born inmate population in the County's jails.

While Los Angeles County is oftentimes on the forefront of utilizing innovative ideas to find solutions to difficult problems, the ICE program is not unique to California. Other States that have also instituted a cooperative ICE program include Alabama, Arizona, Florida, and North Carolina. Within the state of California, Riverside and San Bernardino counties have instituted similar programs, while several other counties within the State are slated to enter into ICE agreements in the near future.

The ICE MOU pilot program has been an unqualified success, diverting 2,854 convicted criminal aliens into Federal custody during its six-month implementation period. I strongly recommend that this program operate as has been established by the current MOU, including the recommendations referenced above.

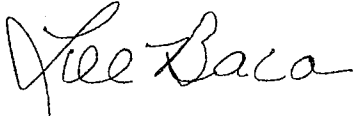
The Honorable Board of Supervisors

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Should you have any questions or concerns, please call me or Chief Marc Klugman, Correctional Services Division, at (213) 893-5017.

Sincerely,

A handwritten signature in black ink that reads "Leroy Baca". The signature is written in a cursive style with a large, stylized "L" and "B".

LEROY D. BACA
SHERIFF